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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,869

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EXAMINER

LIU, ERIC

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,869	Applicant(s) SUGAHARA ET AL.	
	Examiner Eric Liou	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/2/04, 6/5/06, and 2/28/07</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 2-3, 5-6, 10-11, 13-14, 17-18, and 20-21 are objected to because of informalities. Appropriate correction is required.
2. Claims 2, 10, and 17 recite the phrase "a user". The phrase should be changed to "the user" since user is previously defined in independent claims 1, 9, and 16.
3. Claims 3, 11, and 18 recite the phrases "a charge" and "a user". The phrases should be changed to "the charge" and "the user" since charge and user are previously defined.
4. Claims 5, 13, and 20 recite the phrases "a charge" and "a user". The phrases should be changed to "the charge" and "the user" since charge and user are previously defined.
5. Claims 6, 14, and 21 recite the phrase "a user". The phrase should be changed to "the user" since user is previously defined.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
7. Claims 9-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
8. As per claim 9, the preamble recites "a program...", however, does not recite that the computer program is encoded or recorded on a physical medium readable by a computer. Thus, the claim is directed to functionally descriptive material that is not functionally or structurally interrelated to the medium. Data structures not claimed as embodied in computer readable media

Art Unit: 3628

are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Such claimed data structures do not define any structural and functional interrelationships between the data structure. See MPEP 2106(IV)(B)(1)(a).

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 9 recites the limitation "the user" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara, U.S. Publication No. 2002/0138365 in view of Suzuki et al., U.S. Patent No. 5,965,858.

14. As per claims 1, 9, and 16, Matsubara discloses a support apparatus, program, and method for supporting recycled use of equipment of a user, comprising: an information obtaining

Art Unit: 3628

unit obtaining equipment information about the equipment to be received from the user (Matsubara: Figure 1, “100”, “120”, “130”, “140”, “150”, “160” and “170”; paragraphs 0016, 0021-0022, and 0031); and a determination unit that handles information obtained by said information obtaining unit (Matsubara: Figure 1, “100”, “120”, “130”, “140”, “150”, “160” and “170”).

15. Matsubara does not disclose determining whether or not treatable articles restriction standards of a receiver of the equipment are exceeded.

16. Suzuki discloses determining whether or not treatable articles restriction standards of a receiver of the equipment are exceeded (Suzuki: column 31, lines 60-67 – column 32, line 1, The Examiner notes, the recitation “a recycling factory which limits the category or type of the acceptable articles” suggests that the recycling factory will make a determination of whether all recycled articles received exceed the category or type restrictions set forth by the factory.).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus, program, and method of Matsubara to have included determining whether or not treatable articles restriction standards of a receiver of the equipment are exceeded as disclosed by Suzuki for the advantage of eliminating recycled articles that a factory does not desire.

18. As per claims 2, 10, and 17, Matsubara in view of Suzuki discloses the apparatus, program, and method of claims 1, 9, and 16 as described above. Matsubara further discloses a charge determination unit determining whether or not a user is to bear a charge for recycle (Matsubara: paragraphs 0006-0007, 0010, 0025, and 0031-0037).

Art Unit: 3628

19. As per claims 3, 11, and 18, Matsubara in view of Suzuki discloses the apparatus, program, and method of claims 2, 10, and 17 as described above. Matsubara further discloses a payment method determination unit determining a method of paying a charge when said charge determination unit determines that a user is to pay a charge (Matsubara: paragraph 0065 – The Examiner interprets the payment made via the intermediary to be a payment method determination unit determining a method of paying a charge.).

20. As per claims 4, 12, and 19, Matsubara in view of Suzuki discloses the apparatus, program, and method of claims 2, 10, and 17 as described above. Matsubara further discloses a calculation unit calculating the charge according to information obtained by said information obtaining unit (Matsubara: paragraphs 0010, 0031-0032, and 0035-0037).

21. As per claims 5, 13, and 20, Matsubara in view of Suzuki discloses the apparatus, program, and method of claims 3, 11, and 18 as described above. Matsubara further discloses wherein when said charge determination unit determines that a user is to pay a charge, the apparatus first confirms a payment of the charge by the user, and then performs a receiving process (Matsubara: paragraphs 0052 and 0054).

22. As per claims 6, 14, and 21, Matsubara in view of Suzuki discloses the apparatus, program, and method of claims 1, 9, and 16 as described above. Matsubara further discloses wherein said information obtaining unit obtains information from a user over a network (Matsubara: Figure 1, “50”; paragraph 0016).

23. As per claims 7, 15, and 22, Matsubara in view of Suzuki discloses the apparatus, program, and method of claims 1, 9, and 16 as described above. Matsubara further discloses a location management unit managing a location and a type of the received equipment (Matsubara:

Art Unit: 3628

Figure 1, “120”, “130”, “140”, “150”, “160” and “170”; paragraphs 0016, 0022, and 0029-0031); and determining a plant which processes the equipment based on the location and the type of the equipment (Matsubara: paragraphs 0016 and 0031 – The Examiner notes, the consumer does the determining step by selecting the appliance disposal business concern). Matsubara does not teach a plant determination unit.

24. Matasubara teaches units that are capable of determining a plant which processes the equipment based on the location and the type of the equipment (Matasubara: paragraphs 0016 and 0021-0022).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus, program, and method of Matsubara in view of Suzuki to have included a plant determination unit as disclosed by Matsubara because a computer that automatically determines a plant for a consumer would make the recycling process quicker and more efficient.

26. As per claim 8, Matasubara in view of Suzuki discloses the apparatus of claim 1 as described above. Matasubara does not disclose a progress information generation unit generating information about the progress of recycling equipment.

27. Suzuki discloses a progress information generation unit generating information about the progress of recycling equipment (Suzuki: column 37, lines 57-63).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Matsubara in view of Suzuki to have included a progress information generation unit generating information about the progress of recycling

Art Unit: 3628

equipment as disclosed by Suzuki for the advantage of maintaining an accurate record of a recycled article.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiroshige et al., U.S. Publication No. 2002/0069137 drawn to a method for recycle management of a product.

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

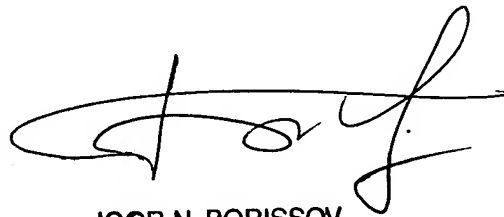
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized, flowing script.

IGOR N. BORISSOV
PRIMARY EXAMINER